IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 13TH SEPTEMBER 2006 / 22ND BHADRA 1928

Bail Appl..No. 4425 of 2006

CMP.5226/2006 of J.M.F.C.-I,NEYYATINKARA
CRIME NO. 39/2006 OF AMARAVILA EXCISE RANGE

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PETITIONER/ACCUSED (IN CUSTODY):

SYAMALA, D/O. SAROJINI,
RESIDING AT MANOJ BHAVAN, NEAR ST.MARY'S CHURCH,
HARAVILA,MARAYAMUTTAM DESOM,PERUMKADAVILA VILLAGE,
NEYYATTINKARA VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/09/2006, ALONG WITH BA NO. 4448 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4425/2006 & 4448/2006

DATED THIS THE 13TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioner, in both the bail applications, is one and the same person and she is before this Court, under Section 439 Cr.P.C., as she is undergoing judicial detention from 13.7.2006, for the offence punishable under Section 8(1) & (2) of the Abkari Act in two cases, viz, C.R.No.39/2006 and C.R.No.43/2005 of Amaravila Excise Range respectively, in the above bail applications.

2. In C.R.No.39/2006, the petitioner was found in illegal possession of two liters of illicit arrack and in C.R.No.43/2005 also, she was found in illegal possession of two liters of arrack.

3. The prosecution submitted that there was another case registered against the petitioner, under the Abkari Act, and she is a habitual offender under the Act. The petitioner was therefore, not granted bail in the usual course.

4. However, considering that the petitioner is in judicial custody from 13.7.2006, I grant bail and release the petitioner from jail, subject to the following condition:-

> The petitioner shall execute a separate bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Neyyattinkara.

Both the applications are allowed as above.

J.M.JAMES
JUDGE

mrcs